

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CARL LEE CALLEGARI,	)	No. C 08-2420 MMC (PR)
	)	
Plaintiff,	)	<b>ORDER GRANTING PLAINTIFF'S</b>
	)	<b>REQUEST FOR EXTENSION OF</b>
v.	)	<b>TIME; DENYING PLAINTIFF'S</b>
	)	<b>MOTION FOR EMERGENCY</b>
CHARLES D. LEE, M.D., et al.,	)	<b>INJUNCTIVE RELIEF</b>
	)	
Defendants.	)	<b>(Docket Nos. 46 &amp; 53)</b>

On May 12, 2008, plaintiff, a California prisoner then incarcerated at Salinas Valley State Prison ("SVSP") and proceeding pro se, filed the above-titled civil rights complaint pursuant to 42 U.S.C. § 1983, claiming deliberate indifference to his serious medical needs by medical officials at SVSP.<sup>1</sup>

On March 23, 2011, plaintiff filed a motion for summary judgment, which defendants opposed on April 20, 2011. On May 6, 2011, plaintiff requested an extension of time to file a reply to defendants' opposition (Docket No. 53) and, on May 9, 2011, filed his reply. Plaintiff's motion for an extension of time is hereby GRANTED. The reply brief is deemed timely.

On March 30, 2011, plaintiff filed an "Emergency Motion for Injunctive Relief," seeking to preclude prison officials from retaliating against him. (Docket No. 46.) The Court construes plaintiff's filing as a motion for a preliminary injunction and/or temporary

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<sup>1</sup>In April 2010, plaintiff was transferred to Corcoran State Prison, where he currently resides.

1 restraining order (“TRO”). Plaintiff, however, has neither complied with the notice  
2 requirement of Rule 65(a)(1) of the Federal Rules of Civil Procedure, nor certified the  
3 reasons for his not providing such notice, as required by Rule 65(b) of the Federal Rules of  
4 Civil Procedure. Moreover, plaintiff seeks such relief against individuals who are not parties  
5 to this action. A TRO or preliminary injunction is only available against an adverse *party*.  
6 See Fed. R. Civ. P. 65(a),(b). Accordingly, plaintiff’s motion for injunctive relief is hereby  
7 DENIED.

8 This order terminates Docket Nos. 46 and 53.

9 IT IS SO ORDERED.

10 DATED: May 16, 2011

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12 MAXINE M. CHESNEY  
13 United States District Judge  
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